



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,527	06/29/2001	Shmuel Wimer	219.39069X00	2974

7590 10/11/2005

LEMOINE PATENT SERVICES, PLLC
C/O PORTFOLIOIP
P.O. BOX 52050
MINNEAPOLIS, MN 55402

EXAMINER

CRAIG, DWIN M

ART UNIT	PAPER NUMBER
----------	--------------

2123

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,527

Applicant(s)

WIMER, SHMUEL

Examiner

Dwin M Craig

Art Unit

2123

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7-14-2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-36 is/are allowed.
- 6) ☒ Claim(s) 17 is/are rejected.
- 7) ☒ Claim(s) 18-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Finality is removed and prosecution is hereby reopened. This Office Action is Non-Final.
2. An updated search has revealed new art.
3. The Examiner thanks the Applicant for amending the claim language so that the claims are directed towards tangible embodiments on a computer. The Examiner withdraws any previously applied 35 USC § 101 rejections of the claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claim 17 is rejected under 35 USC § 102(b) as being anticipated by US Patent 5,920,486 Beahm et al.

4.1 As regards independent claim 17 the *Beahm et al.* reference discloses, *A method using a computer comprising: adding legs to a transistor in a source layout to create a re-legged layout that violates design rules; and performing compaction to modify the re-legged layout to comply with the design rules.*

Beahm et al. (Figure 2 and Col. 5 lines 32-36 *et seq.*) discloses “adding legs” or a “re-legged layout”, Col. 5 line 32, “These examples include: strapped sources and drains 50, gate flanges 52, unique contact structure 54, substrate contacts 56, stacked devices 58, and wiring channels with the ability to accommodate vdd and ground.” *And* (Figure(s) 5 & 7 and Col. 7

Art Unit: 2123

lines 3-6 *et seq.*) “If the device size becomes to large, it can be split into many fingers. This can be understood with the help of FIG. 5, which shows a 2-input NAND with device having 4 fingers each. (FIG. 7 shows a 3-input NAND with two fingers each.)”. This is the same as a “*re-legged layout*” as claimed by the Applicant.

Beahm et al. (Col. 4 lines 26-40) “In the interactive checks step 5, the method in accordance with the invention will check for ground rule violations in the layout of the circuit or device, for instance, which may have occurred as a result of manual placement components or features in the layout by the user that may violate design rules. The interactive checks may include cross checking between the schematic and the layout for missing devices that appear in the schematic but not in the layout. It does this by referencing the net list representing the schematic. For instance, if devices are identified by name, it will check by name to make sure that all named devices in the net list appear in the layout. The design rule violation checks are performed by executing an “if-then” loop which ensures that the new feature to be added does not violate any of the ground rules for the technology.”

5. Claim 17 is rejected under 35 USC 102(b) as being anticipated by US Patent 5,764,533 deDood.

5.1 As regards independent claim 17 the *deDood* reference discloses, *A method using a computer comprising: adding legs to a transistor in a source layout to create a re-legged layout that violates design rules; (Col. 12 lines 42-67, et seq.), and performing compaction to modify the re-legged layout to comply with the design rules (Col. 13 lines 47-67, et seq.).*

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter:

6.1 As regards independent claim 25 the following limitations, in combination with other limitations, are neither anticipated nor made obvious by the prior art, *"inserting a plurality of slots into the layout upon a gate area of the transistor"*.

6.2 As regards independent claim 33 the following limitations, in combination with other limitations are neither anticipated nor made obvious by the prior art, *"inserting a plurality of slots into a source layout upon a gate area of a transistor"*.

6.3 Dependent claims 26-32 and 34-36 are allowed as they depend from allowed base claims.

6.4 Claims 18-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

7. Claim 17 is rejected. Claims 18-25 are objected to. Claims 25-26 are allowed. This Office Action is Non-Final.


7.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dwin M. Craig whose telephone number is (571) 272-3710. The examiner can normally be reached on 10:00 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2123

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DMC


Paul L. Rodriguez 10/6/05
Primary Examiner
Art Unit 2125